

Remark

The Applicant respectfully requests reconsideration of this application as amended. In this amendment, Applicant has amended claims 1, 10, 16, and 20. No claims have been cancelled. Claims 2-9, 11-15, and 17-26 remain unchanged by this amendment. No claims have been added. Hence, claims 1-26 are pending in this application after the filing of this amendment. Applicant submits that no new subject matter has been added by these amendments.

Claim Objections

In the Office action, the Office objected to claims 1-26 for various informalities. Claims 1, 10, 16, and 20 have been amended as suggested by the Office on pages 2-3 of the outstanding Office Action. As such, Applicant believes that claims 1, 10, 16, and 20 are in a condition for allowance. Furthermore, each of claims 2-9, 11-15, 17-19, and 21-25 were objected to for its dependence upon one of the objected claims 1, 10, 16, and 20. Since claims 1, 10, 16, and 20 have been amended to overcome the objections, claims 2-9, 11-15, 17-19, and 21-25 now also overcome the Office's objection of depending upon objected claims.

Claim Rejections – 35 U.S.C. § 112

The Office has rejected claim 25 under 35 U.S.C. § 112 for allegedly failing to comply with the enablement requirement. Claim 25 recites:

The method of claim 1, wherein determining if one of the one or more possibly faulty components in the determined path is faulty comprises routing the digital audio file around at least one of the one or more possibly faulty components and determining if a change in the QoS of the voice transmission exists.

The Office has asserted that “routing the digital audio file around at least one of the one or more possible faulty components and *determining if a change in the QoS of the voice transmission exists*” (Emphasis added by Office) is not described in the applicant's originally filed specification. Applicant respectfully disagrees with the Office's assertion and directs the Office to page 5, lines 15-31 and page 6, lines 1-14 of the specification. This section of the specification states:

If an incoming call is from one of the PSTNs 12, and the destination address specifies an IP address of a computer, e.g., PC 29, on Internet 11, gatekeeper 14 will route the call to an appropriate routing node (not shown) on Internet 11. In this scenario, signals received by gatekeeper 14 have already been converted to digital by one of gateways 13a, 13b, and 13c. Transmissions of voice information as described above involve a number of devices that contain hardware modules or run software clients. Any problem in these hardware modules and software clients can impair voice quality or disrupt service of the voice transmissions. To ensure the *QoS* of the voice transmissions, a client server 20 including *a test tool* 22 is connected to PC 29, either indirectly via Internet 11 as in FIG. 1, or directly as shown in FIG. 2. Test tool 22 receives commands from PC 29 to perform test procedures as will be discussed in detail below.

Referring now to FIG. 2, client server 20 also includes a memory 201 for storing audio files, which are data files in a digital audio format that can be played by an audio playing device residing on test tool 22. When commanded by a VoIP client 21 that runs on PC 29, *test tool* 22 retrieves an audio file from memory 201 and plays it. The *audio file is played in a call* placed by VoIP client 21.

In order to *test the quality of voice transmissions* on VoIP network 10, VoIP client 21 executes call initialization scripts to *make a series of calls* over the network. If a problem occurs in a transmission path, for example, *degraded voice quality* or persistent call unavailability, *a diagnostic procedure can be used to identify one or more software clients or hardware modules among network resources that reside in the transmission path as a likely cause of the problem*. A hardware module can be a DSP (Digital Signal Processor) chip that samples an analog signal into a digital format, or a filter that removes noise from the signal. A software client can be a system script for setting-up a connection, or an IVR (Interactive Voice Response) module that allows a touch-tone telephone user to interact with a database to access information in the database.

For example, if calls going through a particular gateway consistently experience high distortions, the *diagnostic procedure* can direct calls to other gateways to see whether the *distortions* still exist. If the calls going through other gateways do not experience the same high distortions, then the particular gateway is identified as a likely cause of the distortion problem. (Emphasis Added)

These passages from the specification describe one embodiment for a test tool configured to make a series of calls to test the quality of voice transmissions (e.g., QoS), thus enabling one of skill in the art to make and use the invention of claim 25. For example, during the call, the test tool *plays an audio file* that has been retrieved. When the test tool detects a problem, such as degraded voice quality from distortions, *a diagnostic procedure* can be used to identify one or more software clients or hardware modules among network resources that reside in the transmission path as a likely cause of the problem. For example, one measure of QoS relates to distortions. As such, if calls going through a particular gateway are experiencing high distortions, the *diagnostic procedure* can direct calls, which play audio files, to other gateways to determine whether the *distortions still exist*. If the calls going through other gateways do not experience the same high distortions, then the particular gateway is identified as a likely cause of the distortion problem.

Consequently, Applicant believes that claim 25 is fully supported by the application as filed, by at least the exemplary passage presented above. Applicant submits that the claims still are allowable over the prior art, and thus Applicant respectfully requests the Office to promptly issue a Notice of Allowance.

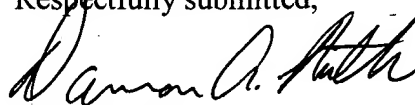
Conclusion

Applicant respectfully submits that the amendment and remark have overcome the rejections, and that the pending claims are in condition for allowance. Accordingly, Applicant requests that the rejections be withdrawn and that a Notice of Allowance be issued for claims 1-26.

Request for a Telephone Interview

If the Office believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-447-7739.

Respectfully submitted,



Damon Rieth, Esq.
Reg. No. 52,167
Customer No. 35657